



Attorney's Docket No. 017751-02

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Patent Application of)
)
Jean-Pierre ROBIN et al) Group Art Unit: 1614
)
Application No.: 09/801,751) Examiner: J. Goldberg
)
Filed: March 9, 2001)
)
For: THERAPEUTICAL METHOD)
INVOLVING SUBCUTANEOUS)
ADMINISTRATION OF DRUGS)
CONTAINING CEPHALOTAXINE)
DERIVATIVES)

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner For Patents
Washington, D.C. 20231

Sir:

In complete response to the Requirement for Restriction issued by the Patent and Trademark Office on February 25, 2002, applicants hereby elect with traverse the invention of Group I, claims 1, 2, 4-7, 9-17, 19-21 and 24-27 for prosecution in this application. Group I is directed to methods for treating cancer employing a harringtonine compound wherein R_3 and R_4 may or may not form a heterocyclic group.

As required by the Examiner, a further election of a specific harringtonine must be made at this time. This election is being made for examination purposes only. Additional species will be examined in this application and thus the generic claim as written will also be examined, assuming the elected species is found allowable. Thus, Applicants elect the species of claim 2, wherein n is 1 or 2.

According to the MPEP § 803, a restriction between patentably distinct inventions is proper only where there is a serious burden on the Examiner to examine all the claims in

a single application. This is true even when appropriate reasons exist for a restriction requirement.

In the present application, it is believed that because there is a close relationship between the subject matter of the two sets of claims, there would be no serious burden on the Examiner to examine all the claims at this time. The close relationship exists because the claims of both groups all require a harringtonine of the same given formula.

Nor would there be an undue burden on the Examiner to examine both sets of claims in the same application. As given in the Official Action, the compound of the claims of Group I are classified in only two subclasses. Examining additional subclasses of the same general class would not be an undue burden.

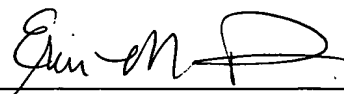
In view of the above, it is respectfully requested that the restriction requirement be withdrawn or at the very least altered.

In the event that there are any questions relating to this amendment or the application in general, it would be appreciated if the Examiner would contact the undersigned attorney at (508) 339-3684.

Early and favorable action in the form of a notice of allowance is respectfully requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:  51,147
for Donna M. Meuth
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(703) 836-6620
Date: March 25, 2002



1614

Patent
Attorney's Docket No. 017151-021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Jean-Pierre ROBIN et al

Application No.: 09/801,751

Filed: March 9, 2001

For: THERAPEUTICAL METHOD
INVOLVING SUBCUTANEOUS
ADMINISTRATION OF DRUGS
CONTAINING CEPHALOTAXINE
DERIVATIVES

Group Art Unit: 1614

Examiner: J. Goldberg

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AMENDMENT/REPLY TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Enclosed is a reply for the above-identified patent application.

- ☐ A Petition for Extension of Time is also enclosed.
- ☐ A Terminal Disclaimer and a check for ☐ \$55.00 (248) ☐ \$110.00 (148) to cover the requisite Government fee are also enclosed.
- ☐ Also enclosed is _____.
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) request continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$370.00 (279) ☐ \$740.00 (179) fee due under 37 C.F.R. § 1.17(e).
 - ☐ Applicant(s) previously submitted __, on __, for which continued examination is requested.
- ☐ Applicant(s) request suspension of action by the Office until at least __, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (146/246) is also enclosed.
- ☒ No additional claim fee is required.
- ☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADDT'L FEE
Total Claims		MINUS =		× \$18.00 (103) =	
Independent Claims		MINUS =		× \$84.00 (102) =	
If Amendment adds multiple dependent claims, add \$280.00 (104)					
Total Amendment Fee					
If small entity status is claimed, subtract 50% of Total Amendment Fee					
TOTAL ADDITIONAL FEE DUE FOR THIS AMENDMENT					

☐ A claim fee in the amount of \$_____ is enclosed.

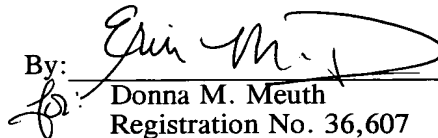
☐ Charge \$_____ to Deposit Account No. 02-4800.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:

 51,147
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Date: March 25, 2002